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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,440	02/17/2004	Sumio Kawai	OOCL-152 (6MHA-03S0555P1)	6170
26479	7590	05/14/2009	EXAMINER	
STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2622	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,440	Applicant(s) KAWAI ET AL.	
	Examiner YOGESH K. AGGARWAL	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. The indicated allowability of claims 1, 2 and 13 is withdrawn in view of the newly discovered reference(s) to Shinbori et al. (US Patent # 5,781,236). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US PG-PUB # 20010026112) in view of Shinbori et al. (US Patent # 5,781,236).

[Claim 1]

Yoshida teaches a photographing device provided with a dust removing mechanism comprising a photographing optical system lens L coupled with a drive member 28 as shown in figure 1) which forms an optical image of an object;

a photoelectric, conversion element which converts an optical image of an object to an electric signal (a camera as taught in Paragraph 15 has a photoelectric conversion element); a piezoelectric element (26, figure 1) provided at a peripheral portion of the optical element (piezoelectric element is provided at a peripheral portion of a the lens L coupled to a driving element); a drive circuit (14) which supplies a periodic drive signal to the piezoelectric element (26) to vibrate the piezoelectric element, thereby vibrating the optical element (Paragraphs 50

Art Unit: 2622

and 51, figure 4 teaches expansion and contraction frequencies close to resonance frequencies) and a control circuit (controller 22, figure 1) which changes a frequency of the periodic drive signal, to thereby cause the optical element to be vibrated at a plurality of frequencies close to at least two resonance frequencies different in order and successively applied (Paragraph 82).

Yoshida fails to teach an optical element arranged between the photographing optical system and the photoelectric conversion element in such a manner as to seal the photoelectric conversion element. However Shinbori teaches a holding member 113 for holding the optical low pass filter plates 11-13 (figure 10) in such a manner so as to seal the image sensing package 106. The member 108 for turning the optical low pass filter is capable of being provided with an excellent sealed structure by inserting the protruding cylindrical portions 110 and 114 (figure 11), thereby making it possible to prevent the penetration of dust and intrusion of light resulting from leakage (col. 12 lines 19-51, figures 10 and 11).

Therefore taking the combined teachings of Yoshida and Shinbori, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an optical element arranged between the photographing optical system and the photoelectric conversion element in such a manner as to seal the photoelectric conversion element as taught in Shinbori into the system of Yoshida in order to provide with an excellent sealed structure thereby making it possible to prevent the penetration of dust and intrusion of light resulting from leakage as taught in Shinbori as taught in Shinbori (col. 12 lines 47-51).

[Claim 2]

Yoshida in view of Shinbori teach all the limitations of claim 1. Yoshida further wherein the control circuit controls the frequency of the periodic drive signal to vibrate the optical element

Art Unit: 2622

first at a frequency close to a low-order resonance frequency for a predetermined time and then at another frequency close to a high-order resonance frequency for another predetermined time (Paragraphs 50, 51, 82 and figure 4 teaches expansion and contraction frequencies close to resonance frequencies).

[Claim 13]

Yoshida in view of Shinbori teach all the limitations of claim 1. Shinbori further teaches an optical low-pass filter plates 11-13 (figure 10) arranged in front of the photoelectric conversion element 105, wherein the optical element (108) is arranged to seal the optical low-pass filter in cooperation with the photoelectric conversion element (See figures 10 and 11).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Examiner, Art Unit 2622